REMARKS

Applicant has carefully studied the Office Action of April 25, 2007, and offers the following remarks in response thereto. Claims 1-113 remain pending in the present application. Of these claims, claims 1, 40, 66, and 97 are independent claims. The Patent Office rejected these independent claims, among other dependent claims, under 35 U.S.C. § 103 as being obvious in view of U.S. Patent No. 6,484,174 to Sealand et al. (hereinafter "Sealand") and U.S. Patent No. 6,424,841 to Gustafsson (hereinafter "Gustafsson"), in further view of U.S. Patent Application Publication No. 2005/0108710 to Patiejunas (hereinafter "Patiejunas"). Applicant respectfully traverses.

Before addressing the merits of the rejection, Applicant provides a brief summary of the invention. The present invention is directed to an application server for information requests to a client (e.g. a mobile terminal) via a peer-to-peer connection over a cellular telephone network wherein the connection is kept open until the call is terminated. (Summary of the Invention, ¶ 0013) In this manner, the communications between the client and the application server are efficient and quick. This is because the client does not have the continued burden of establishing overhead for each subsequent communication request made to the application server and vice versa. (*Id.*) In contrast, connectionless packet requests each require the repeated overhead to establish a new information request with each communication. (Background of the Invention, ¶ 0005)

Further, the application program contains a state-machine driven program to allow for even more efficient communications with the client. (*Id.* at ¶ 0014) To keep track of the various states of different clients, the application server creates a unique thread for each client that establishes a connection. This allows the application server to be cognizant of the various states of the client so that the application program can respond to requests based on the client's previous state. This minimizes data transfer since the client does not have to initiate each request of the application server as if the request were new and from a previously unknown source. Likewise, the application server can respond to requests more efficiently by executing the program store based on the previous state of the client. These features of the present invention referenced above are recited essentially in each of the independent claims of the present application.

In order to maintain a *prima facie* obviousness rejection, the Patent Office must show where each element or limitation in a rejected claim is taught or suggested among the combined references. MPEP § 2143.03. If it fails to do so, the rejection must be withdrawn. The Patent Office admitted that neither Sealand nor Gustafsson disclose an application program that creates a thread for a client connection and assigns a state from a state-machine to the thread, wherein the application program communicates data to the client based on the state of the thread. (Office Action mailed 4/25/2007, p. 5) The Patent Office presented Patiejunas for this purpose. However, Patiejunas is still deficient in this regard.

The rejected claims of the present application require that the application program execute on an application server. In contrast, the application program referenced by the Patent Office in Patiejunas is executing on the client. (Office Action mailed 4/25/2007, p. 5, referencing the "server software or programs" in paragraph 0005). As illustrated in Figure 1 of Patiejunas and discussed therein, the state-driven program is executing on a "client HTTP stack component" (2). This is because Patiejunas is directed to "a client side HTTP stack implementation" in order to allow the client to request communications using more than one socket and one thread to allow the client to make several requests, possibly hundreds, at the same time in a multi-tasking fashion. (See Patiejunas, ¶¶ 0006-0009). Patiejunas is concerned with solving the problem of a client only being able to make and manage "one request at a time." (*Id.* ¶ at 0009) The claimed invention's state-driven application program is executed on the application server, not the client.

Further, the state-driven application program in Patiejunas is for managing communications traffic on a client; not for providing information from data store in response to a client request and based on the state of the thread, like the claimed invention. This is because Patiejunas is concerned with allowing the client to make multiple communication requests instead of "one at a time." Thus, managing the communications using a multi-tasking control process at the client is necessary in Patiejunas.

In this regard, Patiejunas discloses the client stack component (2) containing multiple state machines (Figs. 1 - 22) assigned to multiple client requests (12, 14, 16) to manage multiple client request communications via the multiple sockets (24, 26, 28). A thread is created from a thread pool (4) for a client request to manage communications via the sockets. The number of threads can be controlled to control the number of allowable multi-tasked communication requests ongoing at any given time regardless of the number of client requests. In order to manage communication activities, such as TCP data transmissions, security protocol implementation, data parsing, authentication, or requests that can have pending states, the state machines are provided to track the state of communications for each client request. (Patiejunas, ¶ 0039) In this manner, communications handling, such as timeouts and time specific based communications, can be managed individually for each communication request. (*Id.* at ¶ 0040)

The claimed invention is not directed to communications handling processing at the client like in Patiejunas. The claimed invention is directed to the application processing required to provide the client data based on the client's previous state so as to minimize data request size or processing required for the application program to provide information back to the client that would be otherwise required if the application program did not know the previous state of the client. The claimed invention is not directed to internal communications handling at the client like in Patiejunas, or on the server side for that matter. For these reasons, the Patent Office has failed to establish a *prima facie* case of obviousness and the rejections must be withdrawn in the same regard. MPEP § 2143.03.

Because the remaining rejections also rely on Patiejunas and thus suffer the same deficiencies as noted above, it is not necessary for Applicant to address the other references for either this rejection or the others to overcome the rejections. However, Applicant reserves the right to address any other references or features of the claims in the present application, if required. Applicant requests reconsideration of the rejections in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,
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